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To: Examiner Cuong Q. Nguyen Fax: 703-308-7922
 From: Mag Chappuis Date: 2/5/2002
 E-mail: Mchappuis@atmi.com Pages: 3
 Re: Response to January 28, 2002 Office cc:
 Action in US Patent Application
 09/823,196

Dear Examiner Nguyen:

Please find enclosed a response to the January 28, 2002 Office Action in United States Patent Application:

Title: Source Reagent Compositions for CVD Formation of Gate Dielectric Thin Films Using Amide Precursors and Method of Using Same
Application No.: 09/823,196
Filing Date: March 30, 2001

The enclosed response includes:

Response – 2 sheets
Facsimile Transmittal Cover Sheet – 1 sheet

Please call 203-794-1100 ext. 4184 if there are any problems with this transmittal.

Maggie Chappuis

ATMI, Inc.
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203-794-1100 (telephone)
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ATMI Docket: ATMI-510

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#4/2-202
Patent Application
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)
Applicants: Baum, Thomas H., et al.)
Serial No.: 09/823,196) Group Art Unit: 2811
Date Filed: March 30, 2001) Examiner: Chuong Quang Nguyen
Title: Source Reagent Compositions for CVD)
Formation of Gate Dielectric Thin Films Using)
Amide Precursors and Method of Using Same)

FACSIMILE TRANSMISSION CERTIFICATE

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Maggie Chappuis
Maggie Chappuis

November 5, 2000
Date of Transmission

703-308-7722

Facsimile Number

**RESPONSE TO OFFICE ACTION DATED JANUARY 28, 2002 IN
U.S. PATENT APPLICATION 09/823,196**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated January 28, 2002, wherein a Restriction Requirement was imposed against the following claim groups:

- I. Claims 79-85, drawn to a semiconductor device, classified in class 257, subclass 506; and
- II. Claims 1-78, drawn to a method of making a semiconductor device, classified in class 438, subclass 100;

Patent Application
2771-510

Applicant provisionally elects Group II with traverse. Traversal of the restriction requirement is based on the fact that 35 U.S.C. § 121 permits restriction only if two or more inventions are claimed in one application, which are both independent and distinct.

In the January 28, 2002 Office Action, the statement of reasoning in support of restriction requirement discusses distinctiveness in detail, but appears to presume that the Group I and Group II claims represent independent inventions.

In fact, the metal silicate dielectric thin films of Group I are produced by the metalloamide and aminosilane precursors of Group II. There is accordingly no basis for the claims of Group I and II to be characterized as independent of one another.

It therefore is requested that the Examiner reconsider the propriety of the restriction requirement, and withdraw same in favor of the continued consolidation and unitary prosecution of all claims 1-85 in the present invention.

In view of the foregoing Applicant respectfully requests the restriction requirement be withdrawn upon reconsideration.

Applicant does not believe that any fee is due in connection with the foregoing. However, any deficiencies may be charged to deposit account 50-0860 in the name of Advanced Technology Materials, Inc. In the event further questions should arise, the Examiner is invited to contact the undersigned at the telephone number given below.

Date: February 5, 2002

Respectfully submitted,



Margaret Chappuis
Registration No. 45,735
Agent for Applicants

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